

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

vs.

EASTERN MONTANA MINERALS,  
INC., and MUSSELSHELL  
RESOURCES, LLC,

Defendants and  
Counterclaim Plaintiffs,

vs.

SIGNAL PEAK ENERGY, LLC;  
FIRSTENERGY CORP.;  
FIRSTENERGY VENTURES CORP.;  
FIRSTENERGY GENERATION  
CORP.; PINESDALE GROUP, LTD.;  
PINESDALE LLC; BOICH  
COMPANIES, LLC; GLOBAL  
COAL SALES GROUP, LLC; and  
GLOBAL MINING HOLDING  
COMPANY, LLC,

Counterclaim Defendants.

Case Number: CV 12-55-BLG-RFC

**DECLARATION OF STEVEN  
MARCUSE**



**STEVEN MARCUSE**, pursuant to 28 U.S.C. § 1746(1) declares under penalty of perjury the following:

1. I am an employee of Pinesdale LLC ("Pinesdale") as the President. As part of my duties, I am responsible for compliance matters in the US. As such, I have read the

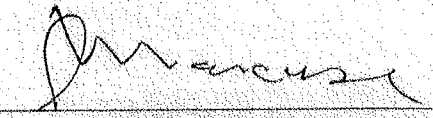
Counterclaims filed by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively, “EMM”) in the above-captioned action, as they pertain to Pinesdale. Based on my experience in this position and my review of Pinesdale’s records I can declare as set out below.

2. This Declaration is respectfully submitted in support of Counterclaim Defendant Pinesdale’s motion for an order dismissing EMM’s counterclaims against Pinesdale.
3. Pinesdale is a limited liability company formed under the laws of Delaware.
4. Pinesdale has never and does not now conduct business in Montana.
5. Pinesdale does not maintain a place of business in Montana.
6. Pinesdale is not registered to do business in Montana.
7. Pinesdale is also not a member, director or officer of any of the Counterclaim Defendants.
8. Gunvor is not a member of Pinesdale.
9. In October, 2011, Pinesdale purchased a one-third interest in a company known as Global Mining Holding Company, LLC (“Global Holding”).
10. Signal Peak Energy, LLC (“Signal Peak” or “SPE”) – the plaintiff in the instant action – is an indirect subsidiary of Global Holding. Signal Peak has a leasehold interest in a coal mine, (*i.e.*, the July 16, 2008 Coal and Coalbed Methane Lease and Water Rights Conveyance (the “Lease”)).
11. I am generally aware that in 2008 Signal Peak entered into a coal sales agreement (the “CSA”) with a company called First Energy Generation Corporation (“FEG”).
12. Pinesdale is not a party to the Lease.
13. Pinesdale is also not a party to the CSA.

14. Pinesdale is also not a party to any amendment of the CSA. Rather, in conjunction with the 2011 Transactions, an affiliated, but wholly separate company entered into a coal purchase agreement.
15. As such, Pinesdale is not involved in the operations or corporate decision-making of the other Counterclaim Defendants.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: June 26, 2012

  
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**STEVEN MARCUSE**